

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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YANG FENG ZHAO,

Plaintiff,

NOTICE OF MOTION

-against-

CITY OF NEW YORK, DETECTIVE NGA CHEUNG
NG, DETECTIVE BILLY MILAN, SGT. BRIAN
CONLON and "JOHN DOE #2,"

07 CV 3636 (LAK)(MHD)

Defendants.

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PLEASE TAKE NOTICE that upon defendants' Memorandum of Law dated August 8, 2008, the Declaration of Assistant Corporation Counsel Afsaan Saleem dated August 8, 2008, and the exhibits annexed thereto, and upon all prior pleadings and proceedings had herein, defendants will move this Court, before the Honorable Lewis A. Kaplan, United States District Judge, at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York, 10007, as soon as counsel may be heard, for an order, pursuant to Rule 72, overturning the order of the Magistrate judge which denied defendants an opportunity to conduct a Rule 35 mental examination of plaintiff and an order to exclude the

testimony of plaintiff's expert and for such other and further relief as this Court deems proper.

Dated: New York, New York
August 8, 2008

MICHAEL A. CARDOZO
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By: _____/s/_____
AFSAAN SALEEM (AS 2012)
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